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a communications manager that manages communication with said site based on said determination, said communications manager directing said communication, when said site is one of said mobile sites, either to said one of said mobile sites when said one of said mobile sites is available or to said mirror site when said one of said mobile sites is unavailable.

Kindly delete Claim 16.

In Claim 17, line 1, please delete "Claim 16" and insert therefor --Claim 15--.

In Claim 17, line 2, please insert --site-- after the text "update said mirror".

REMARKS

The Applicant has carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1-21 in the application. The Applicant has amended Claims 1, 3, 8, 10, 15, and 17 and has canceled Claims 2, 9, and 16. The Applicant has not added any Claims. Accordingly, Claims 1, 3-8, 10-15, and 17-21 are currently pending in the application.

Rejection of Claims 1-21 under 35 U.S.C. §103

The Examiner has rejected Claims 1-3, 5-10, 12-17, and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Wada *et al.*, U.S. Patent No. 5,845,079 ("Wada") in view of Logue *et al.*, U.S. Patent No. 5,935,207 ("Logue"). As the Examiner is no doubt aware, determination of obviousness requires consideration of the invention considered as a whole; the inquiry is not whether each element exists in the prior art, but whether the prior art made obvious the invention as a whole. Furthermore, there must be some suggestion or teaching in the art that would motivate one of ordinary skill in the art to arrive at the claimed invention; a reference that teaches away from a claimed invention strongly indicates nonobviousness.

Moreover, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Wada teaches a mobile migration communication control device that is available to any apparatus on existing networks. Wada allows continuous communication between a mobile node and a node unaffected by the mobile node's migration and also includes a migration post transmission unit.

However, as the Examiner states, Wada does not teach or suggest a communication manager which directs communication, when a requested site is a mobile site, either to the mobile site when the mobile site is available or to a mirror site of the mobile site when the mobile site is

unavailable. Nor does Wada teach or suggest a mirror site couplable to a computer network. To cure the deficient teachings or suggestions of Wada, the Examiner combines Wada with a secondary reference, Logue. However, as explained below, Logue fails to cure the deficiencies of Wada.

Logue teaches a method and apparatus for providing remote site administrators with the number of user hits on mirror sites. One component of Logue's teaching is a proxy request processor which directs any requests for document hit data either to a document cache or another site. Logue does not teach or suggest, either in the form of the proxy request processor or in any other form, a communication manager which directs communication, when a requested site is a mobile site, either to the mobile site when the mobile site is available or to a mirror site of the mobile site when the mobile site is unavailable. Nor does Logue provide a method of providing a mirror update to a mirror of a mobile site. Nor would it be obvious to one skilled in the art to provide such a communications manager or a mirror site to Logue. Since Logue teaches only about gathering and accumulating hit values from various sites, directing data requests to either a mobile site or a mirror site is outside of the scope of Logue.

Neither Wada nor Logue individually or in combination teach or suggest the communications manager or the mirror site as presently recited in the claimed inventions. Therefore, the combination of Wada with Logue fails to teach or suggest each element of the inventions recited in independent Claims 1, 8, and 15 and their dependent claims, when considered as a whole. As such, their combined teachings fail to establish a prima facie case of obviousness and Claims 1, 8, and 15 are, therefore, not obvious in view of Wada and Logue. Since Claims 3-7, 10-14 and 17-21 are dependent on Claims 1, 8, and 15, respectively, the combination also fails to establish a prima facie case of obviousness with respect to these dependent claims.

The Examiner also argues that Claims 4, 11, and 18 are unpatentable over Wada and Logue in view of Adiwoso *et al.*, U.S. Patent No. 5,963,862 ("Adiwoso"). Adiwoso teaches an integrated telecommunications system providing fixed and mobile satellite-based services. However, Adiwoso does not teach or suggest a communication manager which directs communication when a requested site is a mobile site, either to the mobile site when the mobile site is available or to a mirror site of the mobile site when the mobile site is unavailable. Nor does Adiwoso teach or suggest a mirror site couplable to a computer network. Since Adiwoso, Logue, and Wada individually neither teach nor suggest either this communications manager or the mirror site, their combination also does not teach or suggest this communications manager of the mirror sites. Therefore, the combined teachings of these references fail to establish a prima case of obviousness regarding Claims 4, 11, and 18.

The Applicant has also reviewed the prior art cited but not relied upon by the Examiner and has found it less pertinent than the art relied on by the Examiner.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 1-21 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Examiner withdraw the rejection.

Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 3-8, 10-15, and 17-21.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Charles W. Gaines".

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